

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
JONATHAN SPANGLER  
NUVASIVE, INC.  
10065 OLD GROVE ROAD  
SAN DIEGO, CA 92131

## PCT

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT  
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 025WO1	Date of Mailing (day/month/year)
International application No. PCT/US02/35047	FOR FURTHER ACTION See paragraphs 1 and 4 below
Applicant NUVASIVE, INC.	International filing date (day/month/year) 30 October 2002 (30.10.2002)

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

**Filing of amendments and statement under Article 19:**

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

**When?** The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

**Where?** Directly to the International Bureau of WIPO, 34, chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:
- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
  - ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

### 4. Reminders

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US  
Commissioner for Patents  
Box PCT  
Washington, D.C. 20231  
Facsimile No. (703)305-3230  
Form PCT/ISA/220 (April 2002)

Authorized officer

Max F. Hindenburg

Telephone No. (703)-308-0858

(See notes on accompanying sheet)

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# PATENT COOPERATION TREATY

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To:  
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International application No. PCT/US02/35047	FOR FURTHER ACTION See paragraphs 1 and 4 below  International filing date (day/month/year) 30 October 2002 (30.10.2002)
Applicant NUVASIVE, INC.	

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4. Reminders  
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 See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

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Facsimile No. (703)305-3230  
Form PCT/ISA/220 (April 2002)

Authorized Officer

Max F Hindenburg

Telephone No. (703)-308-0858

(See notes on accompanying sheet)

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# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 025WO1	<b>FOR FURTHER ACTION</b>	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US02/35047	International filing date (day/month/year) 30 October 2002 (30.10.2002)	(Earliest) Priority Date (day/month/year) 30 October 2001 (30.10.2001)
Applicant NUVASIVE, INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

#### 1. Basis of the Report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing:  
☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.
2. ☐ Certain claims were found unsearchable (See Box I).
3. ☐ Unity of invention is lacking (See Box II).
4. With regard to the title,  
☒ the text is approved as submitted by the applicant.  
☐ the text has been established by this Authority to read as follows:

#### 5. With regard to the abstract,

- ☐ the text is approved as submitted by the applicant.  
☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

#### 6. The figure of the drawings to be published with the abstract is Figure No. 1

- ☐ as suggested by the applicant.  
☒ because the applicant failed to suggest a figure.  
☐ because this figure better characterizes the invention.

☐ None of the figures

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/35047

## Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

### NEW ABSTRACT

The present invention involves systems (20) and related methods for performing percutaneous pedicle integrity assessments involving the use of neurophysiology. The fundamental method steps for performing the percutaneous pedicle integrity assessments include (a) percutaneously introducing an insulation member to a pedicle target site; (b) establishing electrical communication between a stimulation element and an interior of a pedicle screw pilot hole; (c) applying a stimulation signal to the stimulation element; and (d) monitoring to assess whether nerves adjacent the pedicle are innervating as a result of the step of applying the stimulation signal to the stimulation element.

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/35047

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A 61 B 5/04

US CL : 600/546

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
U.S. : 600/546, 544, 300

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,196,015 A (Neubardt) 23 March 1993 (23.03.1993), column 4, line 50 - column 9, line 38.	1 - 4 and 11 - 22
A	US 5,284,153 A (Raymond et al.) 8 February 1994 (08.02.1994), entire document	1 - 22
X	US 5,474,558 A (Neubardt) 12 December 1995 (12.12.1995), column 4, line 50 - column 11, line 30.	1 - 4 and 11 - 22

☐ Further documents are listed in the continuation of Box C.

☐ See parent family annex.

\* Special categories of cited documents:

"A" documents defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" documents which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" documents referring to an oral disclosure, use, exhibition or other means

"P" documents published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"A" document member of the same patent family

Date of the actual completion of the international search

30 June 2003 (30.06.2003)

Name and mailing address of the ISA/US

Commissioner of Patents and Trademarks

Box PCT

Washington, D.C. 20231

Facsimile No. (703)305-3230

Date of mailing of the international search report

11 AUG-2003

Authorized officer

Max F. Hindenburg

Telephone No. (703)308-0858

Form PCT/ISA/210 (second sheet) (July 1998)

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